

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA : USDC SDNY

- v. - : DOCUMENT

AHMED ABASSI, : ELECTRONICALLY FILED
Defendant. : DOC #: 6/3/14

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**NOTICE OF INTENT TO
REQUEST JUDICIAL
REMOVAL**

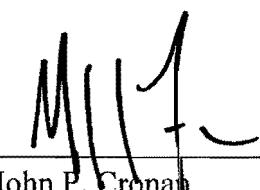
S1 13 Cr. 304 (MGC)

NOTICE IS HEREBY GIVEN to Ahmed Abassi (the "defendant") and to his attorney of record, Sabrina P. Shroff, Esq., that upon conviction of the defendant for violation of Title 18, United States Code, Sections 1001 and 1028(f), the United States of America shall request that the Court issue a Judicial Order of Removal against the defendant pursuant to Section 238(c) of the Immigration and Nationality Act of 1952, as amended, Title 8, United States Code, Section 1228(c).

Dated: New York, New York
June 3, 2014

PREET BHARARA
United States Attorney
Southern District of New York

By:


John P. Cronan
Benjamin A. Naftalis
Michael Ferrara
Assistant United States Attorneys
212-637-2779 / -2456 / -2526

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :
- v. - : DEFENDANT'S PLEA
AHMED ABASSI, : STATEMENT IN SUPPORT OF
Defendant. : JUDICIAL REMOVAL
S1 13 Cr. 304 (MGC)

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AHMED ABASSI, defendant in the above-captioned criminal proceeding, hereby states as follows:

1. My true and correct name is Ahmed Abassi.
2. I received a Notice of Intent to Request Judicial Removal (“Notice”), dated June 3, 2014. I am the person identified in that document. I hereby waive my right, pursuant to Section 238(c)(2)(A) of the Immigration and Nationality Act of 1952, as amended (“INA”), Title 8, United States Code, Section 1228(c)(2)(A), to have the Notice served upon me prior to the commencement of the trial or entry of a guilty plea in this case.
3. I received the Factual Allegations in Support of Judicial Removal (“Allegations”), dated June 3, 2014. I hereby waive my right, pursuant to Section 238(c)(2)(B) of the INA, Title 8, United States Code, Section 1228(c)(2)(B), to have the allegations served 30 days prior to sentencing.
4. My rights in a judicial removal proceeding have been fully explained to me by my attorney, Sabrina P. Shroff, Esq. After consultation with counsel and understanding the legal consequences of doing so, I knowingly and voluntarily waive the right to the notice and

hearing provided for in Section 238(c)(2) of the INA, Title 8, United States Code, Section 1228(c)(2), and further waive any and all rights to appeal, reopen, reconsider, or otherwise challenge this order. I understand the rights I would possess in a contested administrative proceeding and I waive these rights, including my right to examine the evidence against me, present evidence on my own behalf, and cross-examine witnesses presented by the United States. I understand these rights and waive further explanation by the Court.

5. I hereby admit that all of the factual allegations set forth in the Allegations are true and correct as written.

6. I hereby concede that I am removable from the United States pursuant to Section 212(a)(7)(A)(i)(I) of the Immigration and Nationality Act of 1952 (“INA”), as amended, Title 8, United States Code, Section 1182(a)(7)(A)(i)(I), as an alien who, at the time of application for admission, was not in possession of a valid immigrant visa reentry permit, border crossing identification card, or other valid entry document required by the INA, under Section 212(a)(6)(C)(i) of the INA, Title 8, United States Code, Section 1182(a)(6)(C)(i), as an alien who, by fraud or willfully misrepresenting a material fact, seeks to procure (or has sought to procure or has procured) a visa, other documentation, or admission into the United States or other benefit provided under this chapter and under Section 212(a)(2)(A)(i)(I) of the INA, Title 8, United States Code, Section 1182(a)(2)(A)(i)(I), as an alien who has been convicted of a crime involving moral turpitude (other than a purely political offense), or an attempt or conspiracy to commit such a crime.

7. I hereby waive any and all rights I may have to any and all forms of relief or protection from removal, deportation, or exclusion under the INA, as amended, and related federal regulations. These rights include, but are not limited to, the ability to apply for the

following forms of relief or protection from removal: asylum; withholding of removal under Section 241(b)(3) of the INA, Title 8, United States Code, Section 1231(b)(3); any protection from removal pursuant to Article 3 of the United Nations Convention Against Torture, including withholding or deferral of removal under Title 8, Code of Federal Regulations, Sections 208.16-17 and 1208.16-17, cancellation of removal; adjustment of status; registry; de novo review of a denial or revocation of temporary protected status (current or future); waivers under Sections 212(h) and 212(i) of the INA, Title 8, United States Code, Sections 1182(h) and 1182(i); visa petitions; consular processing; voluntary departure or any other possible relief or protection from removal available under the Constitution, laws, or treaty obligations of the United States.

8. I agree to the entry of a stipulated judicial order of removal pursuant to Section 238(c)(5) of the INA, Title 8, United States Code, Section 1228(c)(5). I acknowledge that I have not been persecuted in, and have no present fear of persecution in Tunisia, the country of my nativity and citizenship. I further acknowledge that I have not been tortured in, and have no present fear of torture in Tunisia, the country of my nativity and citizenship.

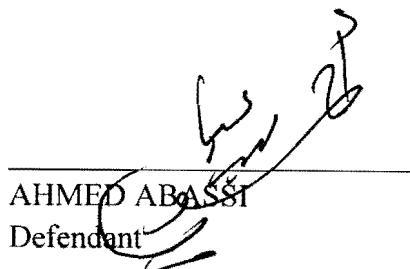
9. I consent to the introduction of this statement as an exhibit in the record of these judicial removal proceedings. I further agree to make the judicial order of removal a public document, waiving my privacy rights, including any privacy rights that might exist under Title 8, Code of Federal Regulations, Section 208.6.

10. I agree to assist U.S. Immigration and Customs Enforcement (“ICE”) in the execution of my removal. Specifically, I agree to assist ICE in the procurement of any travel, identity, or any other documents necessary for my removal; to meet with and to cooperate with representatives of any country to which I may by statute be removed if ICE so requests; and to execute any forms, applications, or waivers needed to execute or expedite my removal. I further

understand that my failure or refusal to assist ICE in the execution of my removal may subject me to criminal penalties under Section 243 of the INA, Title 8, United States Code, Section 1253.

11. I concede that the entry of this judicial order of removal renders me permanently inadmissible to the United States. I agree that I will not enter, attempt to enter, or transit through the United States without first seeking and obtaining permission to do so from the Secretary of the Department of Homeland Security or other designated representative of the U.S. government.

12. I will accept a written order issued by this Court for my removal from the United States to Tunisia, and I waive any and all rights to challenge any provision of this agreement in any U.S. or foreign court or tribunal.


AHMED ABASSI
Defendant

6. 3. 14

Date


SABRINA P. SHROFF, ESQ.
Assistant Federal Defender
Attorney for the Defendant

6 - 3 - 14

Date

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	FACTUAL ALLEGATIONS IN
- v. -	:	SUPPORT OF JUDICIAL
AHMED ABASSI,	:	<u>REMOVAL</u>
Defendant.	:	S1 13 Cr. 304 (MGC)

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NOTICE IS HEREBY GIVEN to Ahmed Abassi (the “defendant”) and to his attorney of record, Sabrina P. Shroff, Esq., that the United States of America alleges the following facts in support of the Notice of Intent to Request Judicial Removal:

1. The defendant is not a citizen or national of the United States.
2. The defendant is a native of Tunisia and a citizen of Tunisia.
3. The defendant was paroled into the United States at John F. Kennedy International Airport, New York, New York on or about March 18, 2013.
4. At the time of sentencing in the instant criminal proceeding, the defendant will be convicted in the United States District Court, Southern District of New York, of Count One: Making a False Statement, in violation of Title 18, United States Code, Section 1001, and Count Two: Attempting to Commit Fraud in Connection with Identification Documents, in violation of Title 18, Sections 1028(a)(4) and 1028(f).
5. The maximum term of imprisonment for a violation of Title 18, United States Code, Section 1001 is five years. The maximum term of imprisonment for a violation of

Title 18, United States Code, Sections 1028(a)(4) and 1028(f) is one year. The total maximum term of imprisonment on Counts One and Two is six years.

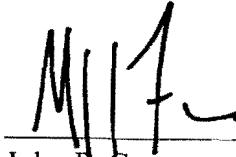
6. The defendant is, and at sentencing will be, subject to removal from the United States pursuant to Section 212(a)(7)(A)(i)(I) of the Immigration and Nationality Act of 1952 (“INA”), as amended, Title 8, United States Code, Section 1182(a)(7)(A)(i)(I), as an alien who, at the time of application for admission, was not in possession of a valid immigrant visa reentry permit, border crossing identification card, or other valid entry document required by the INA, under Section 212(a)(6)(C)(i) of the INA, Title 8, United States Code, Section 1182(a)(6)(C)(i), as an alien who, by fraud or willfully misrepresenting a material fact, seeks to procure (or has sought to procure or has procured) a visa, other documentation, or admission into the United States or other benefit provided under this chapter and under Section 212(a)(2)(A)(i)(I) of the INA, Title 8, United States Code, Section 1182(a)(2)(A)(i)(I), as an alien who has been convicted of a crime involving moral turpitude (other than a purely political offense), or an attempt or conspiracy to commit such a crime.

WHEREFORE, pursuant to Section 238(c) of the INA, Title 8, United States Code, Section 1228(c), the United States of America requests that the Court, at the time of sentencing, order that the defendant be removed from the United States to Tunisia.

Dated: New York, New York
June 3, 2014

PREET BHARARA
United States Attorney
Southern District of New York

By:


John P. Cronan
Benjamin A. Naftalis
Michael Ferrara
Assistant United States Attorneys
212-637-2779 / -2456 / -2526

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

CONCURRENCE OF UNITED
STATES IMMIGRATION AND
CUSTOMS ENFORCEMENT

AHMED ABASSI

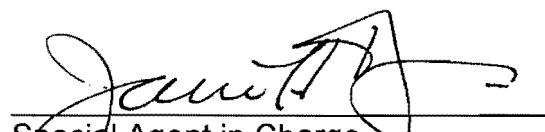
13 CR 304 (MGC)

Defendant.

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Based upon consideration of the applicable law and the defendant's statement, I hereby concur, on behalf of United States Immigration and Customs Enforcement, in the United States Attorney's request that a judicial order of removal be granted against the defendant.

Dated: New York, New York
May 5, 2014



Special Agent in Charge
United States Immigration and
Customs Enforcement